



## International recognition of an “exception for food” on the model of the “cultural exception”

François Collart Dutilleul

### ► To cite this version:

François Collart Dutilleul. International recognition of an “exception for food” on the model of the “cultural exception”. *Penser une démocratie alimentaire Volume II – Proposition Lascaux entre ressources naturelles et besoins fondamentaux*, 2014, 9782918382096. hal-01084220

**HAL Id: hal-01084220**

**<https://hal.science/hal-01084220>**

Submitted on 18 Nov 2014

**HAL** is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons Attribution - NonCommercial - NoDerivatives| 4.0 International License



## International recognition of an “exception for food” on the model of the “cultural exception”

**François Collart Dutilleul**

Professeur à l'Université de Nantes.

Directeur du programme Lascaux\*

**The recognition of a cultural exception dates from as far back as 1947** with the General Agreement on Tariffs and Trade (GATT), which constituted the first stage in the globalisation of trade founded on the principle of free trade but allowed for legal exceptions for certain cultural products, in particular for cinematographic films and national treasures.

This is still the case today with the World Trade Organisation (WTO), the successor to GATT. However, GATT was in reality only a part of a fuller international treaty which also was to provide for legal exceptions to free trade for “primary commodities”: those of agriculture, forestry, fishing and minerals. This treaty was the Havana Charter, signed by 53 countries in March 1948. Because of a situation extraneous to the Charter, it has never been ratified or put into effect, unlike GATT itself. The result is that **“cultural exceptions” are recognised, while “exceptions for food” are not.**

With GATT, cultural exceptions only applied to trade in certain goods. Not all cultural products were concerned, nor were all the problems linked to the preservation of the world's cultural wealth. Hence the idea of completing the special rules of GATT with a wider international convention which would be politically significant and enshrine the sovereignty of States in the field concerned. These considerations led to the adoption by UNESCO on 20 October 2005 of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.

With this in mind, how might one envisage a “*Convention on the achievement of food security and the preservation of agricultural diversity*” negotiated within the United Nations Food and Agriculture Organisation (FAO)? Such a convention ought to aim to achieve the three objectives contained within the FAO's definition of food security: Food

---

\* Le programme Lascaux est un programme européen entant dans le cadre du 7e PCRD - Programme spécifique “IDEES” – ERC (Conseil Européen de la Recherche) – *Grant agreement for Advanced Investigator Grant* (Sciences sociales, 2008). Il porte sur le nouveau droit agroalimentaire européen, examiné à l'aune des problématiques de la sécurité alimentaire, du développement durable et du commerce international. Il est dirigé par François Collart Dutilleul, professeur à l'Université de Nantes et membre de l'Institut universitaire de France (pour plus d'informations, consulter le site de Lascaux : <http://www.droit-aliments-terre.eu/>).

**Les recherches menant aux présents résultats ont bénéficié d'un soutien financier du Centre européen de la recherche au titre du septième programme-cadre de la Communauté européenne (7e PC / 2007-2013) en vertu de la convention de subvention CER n° 230400.**





security “exists when all people, at all times, have economic, social and physical access to sufficient, safe and nutritious food to satisfy their nutritional requirements and food preferences to enable them to lead an active and healthy life”. This therefore means people should have access to sufficient food in both quantity and nutritive value, to healthy food and to the food of their choice. It is thus clear that, as for access to culture, access to food products which are standardised through the effects of globalisation is not enough. Each population and each individual should have access to food which corresponds to the agricultural, traditional, religious and gastronomic particularities of the place where they live. In the same way as it is not enough that the whole world has access to the same television series in order for each person’s right to culture to be guaranteed. Therefore, **just as the protection of the diversity of cultural expressions is necessary, so is that of agricultural biodiversity.**

This parallel between the access to culture and the access to food justifies envisaging the exception for food by reference to the cultural exception. In the same way it justifies the proposal for an international convention on food security on the model of the Convention on culture. In order to outline these proposals and start a process of reflection towards this goal, it was thought best to see if a draft convention based on the text of the one designed to preserve cultural diversity would work.

We therefore propose the text below as an attempt to transpose the UNESCO Convention of 2005 to agriculture and food.

<b>Convention on the Protection and Promotion of the Diversity of Cultural Expressions</b>	<b>Convention on the achievement of food security and the preservation of agricultural diversity<sup>1</sup></b>
The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,	The General Conference of the United Nations Food and Agriculture Organization (FAO), ...
Affirming that cultural diversity is a defining characteristic of humanity,	<i>Affirming</i> that food security is a necessity for all humanity,
Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,	<i>Conscious</i> that agricultural biodiversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

---

<sup>1</sup> This table is based on the main ideas in the Proposal for a “Convention on the achievement of food security and the preservation of agricultural biodiversity”. The full Proposal is available in *Penser une démocratie alimentaire*, COLLART DUTILLEUL F. and BRÉGER T. (eds.), vol. 1, ed. Inida, San José, Costa Rica, 2013, p. 13.



*Being aware* that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

*Recalling* that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

*Celebrating* the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

*Emphasizing* the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

*Taking into account* that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

*Recognizing* the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

*Being aware* that food security is founded on agricultural biodiversity which creates a rich and varied world, increases the range of choices, guarantees diversity in forms of agriculture, expresses the capacities and know-how of successive generations of farmers, and therefore is a mainspring for sustainable development for communities, peoples and nations,

*Recalling* that food security, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

*Celebrating* the importance of food security for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, in the International Covenant on economic, social and cultural rights, and in other universally recognized instruments,

*Emphasizing* the need to incorporate food security as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

*Taking into account* that food and agriculture take diverse forms across time and space and that this diversity is embodied in the climates, the geography, the uniqueness and the plurality of the identities, religions and histories of the peoples and societies making up humanity,

*Recognizing* the importance of traditional knowledge, and in particular the knowledge systems of indigenous peoples, as a source of intangible and material wealth, and its positive contribution to food security, the preservation of agricultural biodiversity and natural resources, and sustainable development, as well as the need for its adequate protection and promotion,



<p><i>Recognizing</i> the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,</p> <p><i>Emphasizing</i> the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,</p> <p><i>Being aware</i> that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,</p> <p><i>Reaffirming</i> that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,</p> <p><i>Recognizing</i> that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,</p> <p><i>Recalling</i> that linguistic diversity is a fundamental element of cultural diversity, and reaffirming the fundamental role that education plays in the protection and promotion of cultural expressions,</p> <p><i>Taking into account</i> the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,</p> <p>(...)</p>	<p><i>Recognizing</i> the need for and the legitimacy of taking measures to protect food security and agricultural biodiversity, especially in situations where they may be threatened,</p> <p><i>Emphasizing</i> the importance of food security for social cohesion in general, and in particular its contribution to the enhancement of the status and role of women in agriculture and society,</p> <p><i>Being aware</i> that food security cannot depend alone on self-sufficiency in food for each country, but that it is strengthened by the free flow of food products, and that it is nurtured by constant trade between countries,</p> <p><i>Reaffirming</i> that freedom of choice for food is an integral part of food security and that it entails giving consumers the information they need in order to exercise this freedom according to economic, dietary, social, environmental, cultural and religious criteria,</p> <p><i>Recognizing</i> that the particularity and diversity of foods are important factors that allow individuals and peoples to express and to share with others their traditions and values,</p> <p><i>Recalling</i> that the diversity of food traditions and customs is a fundamental element of food sovereignty, and reaffirming the fundamental role that smallholdings play in the protection and promotion of agricultural diversity and in the effectiveness of humanity's right to food,</p> <p><i>Taking into account</i> the importance of the vitality of agriculture for all, including for women, persons belonging to minorities and indigenous peoples, as manifested in their freedom to protect, grow and consume their traditional food and to have access thereto, so as to benefit them for their own development,</p>
--	---



<p><i>Recognizing</i> the importance of intellectual property rights in sustaining those involved in cultural creativity,</p> <p><i>Being convinced</i> that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,</p> <p><i>Noting</i> that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,</p> <p>(...)</p> <p><i>Referring</i> to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,</p> <p><i>Adopts</i> this Convention on 20 October 2005.</p>	<p><i>Recognizing</i> the importance of intellectual property rights in sustaining those involved in the improvement of the security and diversity of food supplies,</p> <p><i>Being convinced</i> that foodstuffs and agricultural raw produce have a fourfold nature: economic, social, environmental and cultural, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,</p> <p><i>Noting</i> that the processes of globalization, which have been facilitated by the rapid development of technologies in food production, represent a challenge for food security, in particular in view of risks of imbalances between rich and poor countries and of the scientific and social debates of which such technologies are the object,</p> <p><i>Referring</i> to the provisions of the international instruments relating to food security, the right to food, the protection of biodiversity and the preservation of natural resources,</p> <p><i>Adopts</i> this Convention on ....</p>
<p><b>I. Objectives and guiding principles</b></p> <p><b>Article 1 – Objectives</b></p> <p>The objectives of this Convention are:</p> <p>(a) to protect and promote the diversity of cultural expressions;</p> <p>(b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;</p> <p>(c) ...</p> <p>(d) ...</p>	<p><b>I. Objectives and guiding principles</b></p> <p><b>Article 1 – Objectives</b></p> <p>The objectives of this Convention are:</p> <p>(a) to protect and promote the basic right to food and to guarantee food security throughout the world;</p> <p>(b) to create the conditions for diverse forms of agriculture to flourish;</p> <p>(c) ...</p> <p>(d) ...</p>



<p>(e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;</p> <p>(f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;</p> <p>(g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;</p> <p>(h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;</p> <p>(i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.</p> <p><b>Article 2 – Guiding principles</b></p> <p>1. Principle of respect for human rights and fundamental freedoms</p> <p>Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.</p>	<p>(e) to promote respect for agricultural biodiversity and the preservation of natural resources, and raise awareness of their value at the local, national and international levels;</p> <p>(f) to reaffirm the importance of the links between agriculture, food security and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of these links;</p> <p>(g) to give recognition to the distinctive nature of agricultural and food activities, goods and services as being essential for human life and as vehicles of identity, values and meaning;</p> <p>(h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for guaranteeing food security on their territory;</p> <p>(i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries to guarantee the security of their food supplies.</p> <p><b>Article 2 – Guiding principles</b></p> <p>1. Principle of respect for human rights and fundamental freedoms</p> <p>Food security can be protected and promoted only if human rights and fundamental freedoms, such as the right to food and water, as well as the ability of individuals to choose their food, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights, the International Covenant on economic, social and cultural rights, or guaranteed by international law, or to limit the scope thereof.</p>
--	---





<p>2. Principle of sovereignty</p> <p>States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.</p>	<p>2. Principle of sovereignty</p> <p>States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to manage their natural resources in order to satisfy the basic needs of both present and future generations, and in consequence to adopt such measures and policies as they may deem appropriate to guarantee food security within their territory.</p>
<p>3. Principle of equal dignity of and respect for all cultures</p> <p>The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.</p>	<p>3. Principle of equality and respect for all forms of agriculture and food</p> <p>Food sovereignty presupposes the recognition of equality of and respect for all forms of agriculture and food.</p>
<p>4. Principle of international solidarity and cooperation</p> <p>International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.</p>	<p>4. Principle of international solidarity and cooperation</p> <p>International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and develop the means required for their food security, including their agriculture and their agri-food industries, whether nascent or established, at the local, national and international levels.</p>
<p>5. Principle of the complementarity of economic and cultural aspects of development</p> <p>Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.</p>	<p>5. Principle of the complementarity of economic and social aspects of development</p> <p>Since agriculture is one of the mainsprings of development, the social aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.</p>
<p>6. Principle of sustainable development</p> <p>Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.</p>	<p>6. Principle of sustainable development</p> <p>Natural resources and agricultural biodiversity are rich assets for individuals and societies. Their protection is an essential requirement for sustainable development for the benefit of present and future generations.</p>





<p>7. Principle of equitable access</p> <p>Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.</p> <p>8. Principle of openness and balance</p> <p>When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.</p> <p><b>II. Scope of application</b></p> <p><b>Article 3 – Scope of application</b></p> <p>This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.</p> <p><b>III. Definitions</b></p> <p><b>Article 4 – Definitions</b></p> <p>For the purposes of this Convention, it is understood that:</p>	<p>7. Principle of equitable access</p> <p>Equitable access to a rich and diversified range of foodstuffs constitutes an important element for guaranteeing food security. Such equitable access should be able to be enjoyed both through short supply circuits and through international trade.</p> <p>8. Principle of openness and balance</p> <p>When States adopt measures to guarantee food security for their populations, they should take into account, in an appropriate manner, openness to other sources of food, regional, national, continental and international, and ensure that these measures are geared to the objectives pursued under the present Convention.</p> <p><b>II. Scope of application</b></p> <p><b>Article 3 – Scope of application</b></p> <p>This Convention shall apply to the policies and measures adopted by the Parties in the aim of guaranteeing food security for their populations.</p> <p><b>III. Definitions</b></p> <p><b>Article 4 – Definitions</b></p> <p>For the purposes of this Convention, it is understood that:</p>
--	---



<p>1. Cultural diversity</p> <p>“Cultural diversity” refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.</p> <p>Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.</p>	<p>1. Food security</p> <p>In accordance with the FAO World Food Summit of 1996, “Food security” exists when all people, at all times, have economic, social and physical access to sufficient, safe and nutritious food to satisfy their nutritional requirements and food preferences to enable them to lead an active and healthy life.</p>
<p>2. Cultural content</p> <p>“Cultural content” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.</p>	<p>2. Agricultural biodiversity</p> <p>The term <i>Agricultural biodiversity</i> “is a broad term that includes all components of biological diversity of relevance to food and agriculture. It encompasses the variety and variability of animals, plants and micro-organisms, at genetic, species and ecosystem levels, which are necessary to sustain key functions of the agro-ecosystem, its structure, and processes for, and in support of, food production and food security.”</p>
<p>3. Cultural expressions</p> <p>“Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.</p>	<p>3. Food sovereignty</p> <p>The right of any contracting Party to implement agricultural and food policies or to take the necessary measures to guarantee food security on its territory, provided that such policies or measures are not applied in such a way as to constitute either an arbitrary or unjustifiable means of discrimination between countries with the same conditions, or a disguised restriction on international trade.</p>
<p>4. ...</p>	<p>4. ...</p>
<p>5. ...</p>	<p>5. ...</p>



<p>6. Cultural policies and measures</p> <p>“Cultural policies and measures” refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.</p> <p>7. Protection</p> <p>“Protection” means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.</p> <p>“Protect” means to adopt such measures.</p> <p>8. Interculturality</p> <p>“Interculturality” refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.</p> <p><b>IV. Rights and obligations of Parties</b></p> <p><b>Article 5 – General rule regarding rights and obligations</b></p>	<p>6. Agricultural and food policies and measures</p> <p>“Agricultural and food policies and measures” refers to those policies and measures relating to food and agriculture, whether at the local, national, regional or international level that are either focused on agriculture and food as such or are designed to have a direct effect on food security and the implementation of the basic right to food, including on the production and distribution of, and access to, agricultural and food activities, goods and services.</p> <p>7. Food availability</p> <p>“Food availability” means the availability of food in sufficient quantity and appropriate quality, the provision of which is guaranteed by national production or imports (including food aid).</p> <p>8. Food autonomy</p> <p>“Food autonomy” refers to the proportion of the food supply for a State’s population which is produced on the territory of that State.</p> <p><b>IV. Rights and obligations of Parties</b></p> <p><b>Article 5 – General rule regarding rights and obligations</b></p>
---	---



<p>1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.</p> <p>2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.</p> <p><b>Article 6 – Rights of parties at the national level</b></p> <p>1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.</p> <p>2. Such measures may include the following:</p> <p>(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;</p> <p>(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;</p>	<p>1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their agricultural and food policies and to adopt measures to guarantee the security of food supplies for their populations and to strengthen international cooperation to achieve the purposes of this Convention.</p> <p>2. When a Party implements policies and takes measures to guarantee food security within its territory, its policies and measures shall be consistent with the provisions of this Convention.</p> <p><b>Article 6 – Rights of parties at the national level</b></p> <p>1. Within the framework of its agricultural and food policies and measures as defined in Article 4.6 and taking into account its own particular geographical and climatic conditions, circumstances and needs, each Party may adopt measures aimed at guaranteeing food security within its territory.</p> <p>2. Such measures may include the following:</p> <p>(a) regulatory measures aimed at protecting and promoting agricultural biodiversity;</p> <p>(b) measures that, in an appropriate manner, provide opportunities for domestic agricultural and food activities, goods and services to be adequately represented, among all those available within the national territory, for their production, distribution, availability, and promotion by means of quality marks or geographical indications or labels, including provisions relating to the quality required for such activities, goods and services;</p>
--	--



<p>(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;</p> <p>(d) measures aimed at providing public financial assistance;</p> <p>(e) ...</p> <p>(f) measures aimed at establishing and supporting public institutions, as appropriate;</p> <p>(g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;</p> <p>(h) measures aimed at enhancing diversity of the media, including through public service broadcasting.</p> <p><b>Article 7 – Measures to promote cultural expressions</b></p> <p>1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:</p> <p>(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;</p>	<p>(c) measures aimed at providing domestic farmers and agri-food companies effective access to the means of production and distribution of agricultural and food activities, goods and services;</p> <p>(d) measures aimed at providing public financial assistance to farmers with the aim of enhancing national food security or preserving natural food resources and agricultural biodiversity;</p> <p>(e) ...</p> <p>(f) measures aimed at establishing and supporting public institutions engaged in agricultural, food and nutritional policies, as appropriate;</p> <p>(g) measures aimed at nurturing and supporting farmers and particularly women involved in farming, as well as all those involved in agricultural food production;</p> <p>(h) measures aimed at promoting regional or national food and agricultural products, particularly by mentioning their geographical origin (the indication of origin) or a particular quality.</p> <p><b>Article 7 – Measures to guarantee food security</b></p> <p>1. Parties shall endeavour to create in their territory an environment which encourages individuals, farmers, firms and social groups:</p> <p>(a) to create, produce, distribute and sell their own production and enable the population to have access thereto, paying due attention to the circumstances and food needs of certain categories of consumers, i.e. children, pregnant women and the elderly, as well as various social groups, including persons belonging to minorities and indigenous peoples;</p>
---	--



<p>(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.</p> <p>2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.</p>	<p>(b) to give the whole population access to the diverse food and agricultural production from within their territory as well as from other countries of the world.</p> <p>2. Parties shall also endeavour to recognize the important contribution of farmers and all those involved in the productive process, of the firms and organizations that support their work, and their central role in feeding the population.</p> <p>3. Without prejudice to the provisions of articles 5 and 6, a Party may determine the existence of special situations in which food security, within its territory, is compromised or requires any urgent measures.</p> <p>4. Parties may take all appropriate measures in order to guarantee food security in the situations mentioned in paragraph 1, in conformity with the provisions of this Convention.</p> <p>5. Parties shall report to the World Food Security Committee of the FAO all measures taken to meet the demands of the situation, and the Committee may put forward appropriate recommendations.</p>
<p><b>Article 8 – Measures to protect cultural expressions</b></p> <p>1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.</p> <p>2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.</p> <p>3. ...</p>	<p><b>Article 8 – Measures to protect agricultural biodiversity</b></p> <p>1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where vegetable or animal varieties destined for food on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.</p> <p>2. Parties may take all appropriate measures to protect and preserve such varieties in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.</p> <p>3. ...</p>



<p><b>Article 9 – Information sharing and transparency</b></p> <p>Parties shall:</p> <p>(a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;</p> <p>(b) designate a point of contact responsible for information sharing in relation to this Convention;</p> <p>(c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.</p> <p><b>Article 10 – Education and public awareness</b></p> <p>Parties shall:</p> <p>(a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, inter alia, through educational and greater public awareness programmes;</p> <p>(b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;</p> <p>(c) (...)</p> <p><b>Article 11 – Participation of civil society</b></p>	<p><b>Article 9 – Information sharing and transparency</b></p> <p>Parties shall:</p> <p>(a) provide appropriate information in their reports to UNESCO every four years on measures taken to guarantee food security within their territory and at the international level;</p> <p>(b) designate a point of contact responsible for information sharing in relation to this Convention;</p> <p>(c) share and exchange information relating to food security.</p> <p><b>Article 10 – Education and public awareness</b></p> <p>Parties shall:</p> <p>(a) encourage and promote understanding of the importance of the objectives of protecting agricultural biodiversity and preserving natural food resources and food security, inter alia by means of educational and public awareness enhancement programmes, and through the development of information enabling consumers to take account of such objectives in choosing the food they consume;</p> <p>(b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article by drawing up common principles governing the information to supply to consumers;</p> <p>(c) (...)</p> <p><b>Article 11 – Participation of civil society</b></p>
--	---





<p>Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.</p> <p><b>Article 12 – Promotion of international cooperation</b></p> <p>Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:</p> <p>(a) facilitate dialogue among Parties on cultural policy;</p> <p>(b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;</p> <p>(c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expression</p> <p>(d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions</p> <p>(e) ...</p> <p><b>Article 13 – Integration of culture in sustainable development</b></p>	<p>Parties acknowledge the fundamental role of civil society in protecting agricultural biodiversity and the implementation of food security for everyone. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.</p> <p><b>Article 12 – Promotion of international cooperation</b></p> <p>Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the protection of agricultural biodiversity, taking particular account of the situations referred to in Article 8, notably in order to:</p> <p>(a) facilitate dialogue among Parties on agricultural and food policy;</p> <p>(b) enhance public sector strategic and management capacities in public sector institutions in charge of agricultural and food policy, through professional and international cultural exchanges and sharing of best practices;</p> <p>(c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and protecting agricultural biodiversity and the diversity of food supplies, and guaranteeing food security throughout the world;</p> <p>(d) promote the use of new technologies and encourage partnerships to enhance information sharing, taking account of the social acceptability of such technologies in light of the cultures, needs, expectations and traditions proper to each country or people;</p> <p><b>Article 13 – Integration of food and agriculture in sustainable development</b></p>
--	---



Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

#### **Article 14 – Cooperation for development**

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, inter alia, the following means:

(a) the strengthening of the cultural industries in developing countries through:

(i) creating and strengthening cultural production and distribution capacities in developing countries;

(ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;

(iii) enabling the emergence of viable local and regional markets;

(iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;

(v) ...

(vi) encouraging appropriate collaboration between developed and developing countries in the areas, inter alia, of music and film

Parties shall endeavour to incorporate food and agriculture concerns in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection of agricultural biodiversity and the guaranteeing of food security.

#### **Article 14 – Cooperation for development**

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic food and agriculture sector by, inter alia, the following means:

(a) supporting farms, operators and agri-food firms in developing countries through:

(i) creating and strengthening the production and distribution capacities of agricultural and food products in developing countries;

(ii) facilitating wider access to the global market and international distribution networks for their agricultural and food activities, goods and services;

(iii) supporting local and regional markets;

(iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the agricultural and food products of developing countries;

(v) ...

(vi) encouraging appropriate collaboration between developed and developing countries in the areas, inter alia, of productivity and quality of agricultural and food products;



<p>(b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, inter alia, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer</p> <p>(c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises</p> <p>(d) ...</p> <p><b>VII. Final clauses</b></p> <p>(...)</p>	<p>(b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries in the public and the private sector relating to, inter alia, strategic and management capacities, policy development and implementation, promotion and distribution of agricultural and food products, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;</p> <p>(c) the transfer of technology and know-how through the introduction of appropriate incentive measures, especially in the areas of agriculture and agri-food industries and firms;</p> <p>(d) ...</p> <p><b>VII. Final clauses</b></p> <p>(...)</p>
---	---